

11-26-01

A.

**NON-PROVISIONAL
UTILITY PATENT APPLICATION
TRANSMITTAL - 37 CFR 1.53(b)**

☐ Duplicate
(check, if applicable)



Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, DC 20231

Attorney Docket No. 053836-5003
First Named Inventor: Aurelian
Express Mail Label No. EL719365758US
Total Pages of Transmittal Form: 2

Transmitted herewith for filing is the non-provisional utility patent application entitled:

PREVENTION OF RECURRENT VIRAL DISEASE

which is:

an ☒ Original; or

a ☐ Continuation, ☐ Divisional, or ☐ Continuation-in-part (CIP)
of prior Application No. _____ filed _____.

Anticipated Group/Art Unit: _____ or Class _____, Subclass _____.

☒ This non-provisional patent application is based on Provisional Patent Application No.
60/249,387, filed November 16, 2000.

Enclosed are:

- ☒ Specification (including Abstract) and claims: 29 pages.
- ☐ Application Data Sheet.
- ☒ Newly executed/unexecuted Declaration (original/copy).
- ☐ Copy of Declaration from prior application.
- ☐ Separate Power of Attorney (including 37 CFR 3.73(b) statement, if applicable).
- ☐ sheets of drawings (formal) plus one copy.
- ☐ Microfiche computer program (Appendix).
- ☐ Nucleotide and/or Amino Acid Sequence Submission, including:
 - ☐ Computer readable copy ☐ Paper Copy ☐ Verified Statement.
- ☐ Under PTO-1595 Cover Sheet, an assignment of the invention
- ☒ Name of Assignee: University of Maryland, Baltimore
- ☐ Certified copy(ies) of _____ Application No(s). _____ filed _____ is/are filed:
 - ☐ herewith or ☐ in prior application &@.
- ☒ Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as ☐ an Independent Inventor, or ☐ a Small Business Concern, or ☒ a Non-Profit Organization.
- ☐ Preliminary Amendment.
- ☐ Information Disclosure Statement, PTO-1449, and cited references.
- ☐ Request for Nonpublication of Application Under 35 U.S.C. §122(b)
- ☐ Other:



The filing fee is calculated as follows:

			SMALL ENTITY			LARGE ENTITY	
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE:			BASIC FEE:	
			\$370			\$740	
Total	38-20 =	18	X9	\$ 162	OR	X18	\$
Independent	3 -3=	0	X42	\$ 0	OR	X84	\$
<input type="checkbox"/> Multiple Dependent Claims Present			\$140	\$	OR	\$280	\$
			TOTAL	\$ 532.00	OR	TOTAL	\$

- ☐ The Commissioner is not authorized to charge the filing fee at this time as we elect to defer payment of the entire filing fee until receipt of a Notice to File Missing Parts.
- ☒ A check in the amount of **\$532.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and/or credit **Deposit Account No. 50-0310 (Billing No. 053836-5003)** as noted below. A duplicate copy of this sheet is enclosed.
- ☒ Any overpayments or deficiencies in the above-calculated fee.
- ☐ Filing fee in the amount of \$ _____ as calculated above.
- ☒ Any additional fees required under 37 C.F.R. § 1.16 and § 1.17.
- ☒ In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

CORRESPONDENCE ADDRESS:

November 16, 2001
(Date)

By:

Kathryn Doyle
KATHRYN DOYLE, Ph.D, J.D.
 Registration No. 36,317
MORGAN, LEWIS & BOCKIUS, LLP
 1701 Market Street
 Philadelphia, PA 19103-2921
 Telephone: (215) 963-5000
Direct Dial: (215) 963-4723
 Facsimile: (215) 963-5299
 E-Mail: kdoyle@morganlewis.com
 Attorney for Applicants

☒ Customer Number or Bar Code Label: **028977**

KD/kck
Enclosures



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: BOX PATENT APPLICATION, ASSISTANT COMMISSIONER FOR PATENTS, ARLINGTON, VA 22202-3513, ON THE DATE INDICATED BELOW.

BY: Daniel Ratch

DATE: November 20, 2001

BOX PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Patent application of Aurelian, et al.	: Group Art Unit: Not yet assigned
		:
Appln. No.:	Not yet assigned	: Examiner: Not yet assigned
		:
Filed	Herewith	:
		: Attorney Docket
For	PREVENTION OF RECURRENT VIRAL DISEASE	: No. 53836-5003
		: (Client ref. no. LA2001-019)

**PETITION TO ACCORD A FILING DATE
TO CORRESPONDENCE UNDER 37 C.F.R. 1.10(e)**

Petition is made to request that the "date-in" date as listed on the enclosed Express Mail mailing label be accorded to Petitioner as the official receipt date to the Patent Office for the enclosed documents.

On November 16, 2001, Petitioner deposited a Non-Provisional Patent application, transmittal letter, unexecuted declaration, return-receipt postcard and a check in the amount of \$532.00 (originals enclosed) at the U.S. Postal Service facilities at 30th Street, Philadelphia, PA Express Mail unit and subsequently received a date-stamped Express Mail receipt (copy enclosed) showing proof of delivery on November 16, 2001. On November 19, 2001, the U.S. Postal Service returned the above-referenced documents to Petitioner marked "return to sender" for the following reason: "Temporary Suspension of Express Mail Service to Washington, DC zip codes 202 through 205."

This Petition is being submitted on the ground that the failure of the U.S. Postal Service to deliver the documents to the Patent Office was not the fault of the Petitioner and that the November 16, 2001 "date-in" as recorded on the Express Mail label be accorded to Petitioner in order to meet the filing deadline for Petitioner's documents, to wit, the bar date for the enclosed application.

*Receipt date
granted
is 11/16/01.
I change
from OPLA*

099243-44604

This Petition is being filed promptly after the discovery of the U.S. Postal Service's failure to deliver Petitioner's documents. The following documents are enclosed:

- 1) Non-Provisional Patent application showing the Express Mail number as originally deposited with the U.S. Postal Service on November 16, 2001
- 2) Non-Provisional Application transmittal letter showing the Express Mail number as originally deposited with the U.S. Postal Service on November 16, 2001
- 3) an unexecuted declaration
- 4) a check in the amount of \$532.00
- 5) a return-receipt postcard showing the Express Mail number as originally deposited with the U.S. Postal Service on November 16, 2001
- 6) a copy of the Express Mailing label dated stamped November 16, 2001 which corresponds to the above-referenced documents
- 7) a copy of the "return to sender" notice from the U.S. Postal Service


Petitioner requests the Office to consider the Petition based on the merits and respectfully requests that the Office enter November 16, 2001 as the filing date for the application submitted herewith.

Respectfully submitted,

LAURE AURELIAN, ET AL.

November 19, 2001
(Date)

By:


KATHRYN DOYLE, Ph.D, J.D.
Registration No. 36,317
MORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: (215) 963-5000
Direct Dial: (215) 963-4723
Facsimile: (215) 963-5299
E-Mail: kdoyle@morganlewis.com
Attorney for Applicants

KD/DP
Enclosures